

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DEALING WITH CONVENIENCE STORE SECURITY; PROVIDING FOR SHORT TITLE; PROVIDING FOR DEFINITION; PROVIDING FOR CONVENIENCE STORE SECURITY MEASURES; PROVIDING FOR TRAINING OF EMPLOYEES; PROVIDING FOR NONCOMPLIANCE FEE ASSESSMENTS AND CIVIL FINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Florida Legislature enacted into law the "Convenience Store Security Act," Chapter 90-346, Laws of Florida; and

WHEREAS, the purpose of the Act is to protect convenience store employees and the public from robbery and injury; and

WHEREAS, the Act provides for a number of preventive measures that must be taken upon adoption of a local ordinance requiring same; and

WHEREAS, the adoption of this ordinance by Palm Beach County is mandatory; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, believes that the adoption of an ordinance as such serves the health, safety and general welfare interests of the residents of Palm Beach County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. SHORT TITLE

This ordinance shall be known as and may be cited as "The Convenience Store Security Ordinance of Palm Beach County."

SECTION 2. DEFINITION

As used in this ordinance, the term "convenience store" means any place of business that is engaged in the retail sale of groceries, including the sale of prepared foods, and gasoline and services, that is regularly open for business at any time between the hours of 10:00 P.M. and 5:00 A.M., and that is attended during such hours by one employee. The term "convenience store" does not



1 include a store which is solely or primarily a restaurant. The  
2 term also does not include any store in which the owner and members  
3 of his or her family work in the store between the hours of 10:00  
4 P.M. and 5:00 A.M.

5 SECTION 3. CONVENIENCE STORE SECURITY

6 Each convenience store located within the unincorporated areas  
7 of Palm Beach County shall:

8 (1) Be equipped with the following security devices:

9 a) A silent alarm that notifies local law enforcement  
10 or a private security agency that a robbery is  
11 taking place;

12 b) A security camera system capable of returning an  
13 image to assist in the identification and  
14 apprehension of a robber; and

15 c) A drop safe or cash management device that provides  
16 minimum access to the facility's cash receipts;

17 (2) Lighted parking lots illuminated at an intensity of 2  
18 foot-candles per square foot with a uniformity ratio of  
19 no more than 5 to 1 at 18 inches above the surface;

20 (3) Post a conspicuous sign in the convenience store entrance  
21 which states that the cash register contains fifty  
22 (\$50.00) dollars or less;

23 (4) Maintain window signage so that there is a clear and  
24 unobstructed view of the cash register and transaction  
25 area;

26 (5) Prohibit window tinting on the windows of the  
27 establishment if such tinting reduces exterior or  
28 interior viewing during the hours of operation to which  
29 this ordinance is applicable;

30 (6) Install height markers at the entrance of the  
31 establishment which display height measures from the  
32 floor; and

33 (7) Establish a cash management policy to limit the amount of  
34 available cash on hand between the hours of 9:00 P.M. and  
35 6:00 A.M.



1                    SECTION 4. TRAINING OF EMPLOYEES

2            No later than June 30, 1991, the owner or principal operator  
3 of a convenience store shall provide proper robbery deterrence and  
4 safety training to at least its employees who work between the  
5 hours of 9:00 P.M. and 6:00 A.M. The convenience store owner or  
6 operator may utilize a training program of his or her choice,  
7 however, said program must be submitted in writing to the Attorney  
8 General for approval.

9                    SECTION 5. NONCOMPLIANCE

10           Should any convenience store fail to comply with any of the  
11 provisions of this ordinance, a fee shall be assessed at the rate  
12 of five hundred (\$500.00) dollars per day, not to exceed five  
13 thousand (\$5,000.00) dollars, for each day of noncompliance after  
14 the ten (10) day cure period, as provided for below.

15           If noncompliance with this ordinance is corrected within ten  
16 (10) days after receipt of written notice of said noncompliance, no  
17 fee will be assessed. However, any owner or principal operator of  
18 a convenience store who wilfully and deliberately violates the  
19 requirements of this ordinance shall be required to pay to Palm  
20 Beach County, upon a complaint filed by Palm Beach County with the  
21 appropriate court, a civil fine of up to five thousand (\$5,000.00)  
22 dollars.

23                    SECTION 6. SEVERABILITY

24           If any section, paragraph, sentence, clause, phrase, or word  
25 of this ordinance is for any reason held by the Court to be  
26 unconstitutional, inoperative or void, such holding shall not  
27 affect the remainder of this ordinance.

28                    SECTION 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

29           The provisions of this ordinance shall become and be made a  
30 part of the Code of Laws and Ordinances of Palm Beach County,  
31 Florida. The sections of this ordinance may be renumbered or  
32 relettered to accomplish such, and the word "ordinance" may be  
33 changed to "section," "article," or any other appropriate word.



1                    SECTION 8. EFFECTIVE DATE

2                    The provisions of this ordinance shall become effective upon  
3 approval and filing with the Secretary of State.

4                    APPROVED and ADOPTED by the Board of County Commissioners of  
5 Palm Beach County, Florida, on this the 19th day of March,  
6 1991.

7                    PALM BEACH COUNTY, FLORIDA, BY ITS  
8 BOARD OF COUNTY COMMISSIONERS

9 By: Kare Marcus

10 Chair

JOHN B. DUNKLE, CLERK  
Board of County Commissioners

11 By: Vicki Berong  
12 DEPUTY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

13 By: William M. Distel

14 County Attorney

15 Acknowledgement by the Department of State of the State of  
16 Florida, on this the 29th day of March,  
17 1991.

18 EFFECTIVE DATE: Acknowledgement from the Department of State  
19 received on the 2nd day of April, 1991,  
20 at 10:06 A. M., and filed in the Office of the Clerk of the Board  
21 of County Commissioners of Palm Beach County, Florida.

22 convstore.ord

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, JOHN B. DUNKLE, ex-officio Clerk of the  
Board of County Commissioners certify this to  
be a true and correct copy of the original filed in  
my office on 3/19/91  
DATED at West Palm Beach, FL on 4/2/91  
JOHN B. DUNKLE, Clerk,  
By: [Signature] D.C.